

REMARKS

Applicants respectfully request reconsideration and allowance of all pending claims.

I. Amendment B

Upon entry of this Amendment, claims 1-11, 15, 17, 28-30, 32-41, 43-52 remain pending in this application.

In this Amendment, claims 29 and 40 have been amended to depend from independent claim 1. The amendment of these claims is clearly consistent with the scope of the claims as originally filed, zaleplon and Indiplon™ being specific examples of the substituted pyrazolopyrimidine compounds more generally referenced in claim 1. Additionally, the amendment of these claims is clearly supported by the text of the present specification (see, e.g., paragraphs [0092] and [0093], respectively).

II. Restriction and Election of Species Requirements

The Office asserts that the claims of the present application are directed to three distinct inventions, and therefore the Office requires that Applicants elect one of the following groups of claims:

- Group I: Claims 1-11, 15, 17, 28, 51 and 52, drawn to a process of making a pyrazolopyrimidine;
- Group II: Claims 29, 30 and 32-39, drawn to a process of making zaleplon; and,
- Group III: Claims 40, 41 and 43-50, drawn to a process of making Indiplon™.

Inasmuch as all claims now depend from claim 1, Applicants respectfully submit the present Restriction Requirement is moot, and therefore believe it is unnecessary to comment on the appropriateness of this Restriction at this time. However, in order to be fully responsive to the Office's present action, Applicants respectfully:

- (A) elect the claims of Group I, which includes independent claim 1 and all claims depending therefrom; and,

- (B) traverse the present Restriction Requirement, based on the fact that claims 29 and 40, as originally presented, fall within the scope of claim 1, and therefore all pending claims having a common technical feature; namely, all claims are directed to a method of preparing a substituted pyrazolopyrimidine.

In response to the Election of Species Requirement, Applicants elect for initial examination the species zaleplon. Claims reading on the elected species include at least claims: 1-11, 15, 17, 28, 29, 30, 32-39, 51 and 52.

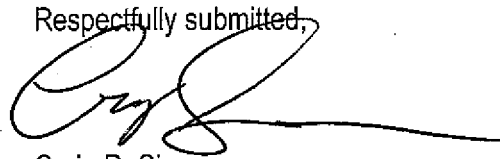
CONCLUSION

In view of the foregoing, Applicants respectfully request favorable reconsideration and allowance of all pending claims.

Applicants do not believe that a fee is due in connection with the submission of this Amendment B and Response to Restriction and Election of Species Requirements. If, however, the Commissioner determines that a fee is due, authorization is hereby given to charge Deposit Account No. 13-1160.

The Examiner is invited to contact Applicants' undersigned representative with any questions.

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Craig D. Siman', with a long horizontal flourish extending to the right.

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